

farm lands are cheaper relatively to the fertile lands of the Central West than they are relatively to the lands of New England. The farmer of the Central West who sells out and goes to Washington has a greater margin as capital, acre for acre, than the New Englander. Nor can the New Englander so easily find a purchaser. Furthermore, with the New England farmer the hope of bettering his fortune by migrating to new districts is less vivid than it is with the farmer of the Central West, whose father or whose grandfather had probably himself migrated. Finally, the enterprising New Englander has been drifting to the cities, and it is easier to transplant a farmer on a new soil than it is to persuade the city dweller to return to the soil.

Something more, however, than the knowledge that it is profitable to exchange high-priced but comparatively old soils for the cheap and fertile soils of the West is needed to dislodge the average farmer of any section from his home. There is an inertia that can be overcome only by force. In the movement to the Ohio country, a century ago, and that into Kansas, war gave the dislodging shock. In both cases large numbers of men, with their home ties weakened and their restlessness aroused by long campaigning, returned to find few opportunities for employment. But since the civil war it has been the railroads which have applied the dislodging force, in their efforts to build up the tributary population upon which depend traffic and the possibility of economical operation.

These large transfers of population from State to State must have a profound effect on the political and social life of the commonwealths that receive the newcomers, beyond the influence already traced by students of our institutional history. It is also obvious that when, as in the movement to Washington, the immigrants are thrifty and intelligent, the effects are bound to be for good. But if we may judge by the distinct difference in political ideas and in the efficiency of administration between the States that were largely settled before the civil war, and those that have been largely settled since, the immigrants have not always brought wisdom and rectitude with their household goods. That California, Nevada, Montana, and other mining States should have had a more or less undesirable experience is sufficiently explained by the character of the population usually attracted by mineral wealth. But why Michigan and Wisconsin, Iowa and Minnesota, and other States in the old Northwest should show so much greater political steadiness than Kansas, Nebraska, and the Dakotas, is not clear. Crop failures are perhaps sufficient to explain the periodical prevalence of unsound financial theories in the second group of States.

Whatever the explanation of this dif-

ference, the railroad emigration agent of to-day is an unconscious promoter of stability. It is to the interest of the railroad to sift from the "excursions" which it organizes all undesirable elements. It seeks thrifty and experienced farmers and mechanics, since it desires a permanent and industrious population, capable of developing a large traffic, and so well satisfied that every member will become a spontaneous advertiser of the new country. Thrift and skill are not usually found in conjunction with dangerous political theories, and the chances are that, when the population transplanted by the railroads has taken root, it will exert a steadying influence on the political opinion of the State where it settles.

BEAUTIFYING THE NATIONAL CAPITAL.

Every intelligent visitor admires the possibilities of Washington. Frederic Harrison, for example, has just expressed the opinion that "the youngest capital city of the world bids fair to become, before the twentieth century is ended, the most beautiful and certainly the most commodious." Mr. Harrison points out that Washington is the only capital which has been laid out from the first entirely on modern lines, with organic unity of plan, unencumbered by any antique limitations and confusions.

Nothing, indeed, could be better than L'Enfant's original plan for the city, yet a century has borne fruit in only fragmentary attempts at its development, and, as this English observer well says, Washington "still has the air of an artificial experiment in city architecture." Millions of dollars, for instance, have been expended upon public buildings, but these have been designed independently of each other, and set down, as a rule, wherever there happened to be a vacant space or somebody with "influence" had land for sale. Senator McMillan of Michigan, however, last March induced the Senate to vote enough money from its contingent fund for the necessary expenses of a commission of experts, selected through the agency of the American Institute of Architects, to work out a comprehensive scheme for the beautification of Washington. The choice fell upon Daniel H. Burnham of Columbian Exposition fame, Frederick Law Olmsted, jr., the eminent landscape architect, and Charles F. McKim of New York. The Commission prevailed upon Augustus St. Gaudens to act with them in an advisory capacity.

Had the country been searched from end to end, another such group could not have been brought together. The spirit in which these four men, recognized leaders in their respective professions, have made the Government a free gift of their time and talents, is as fine an example of patriotism as can be found in the history of the arts of peace. For

more than two months they have spared no exertion, and it is expected that they will have their report finished by September. In its fulness it will not be disclosed till then, but a few of its special features are already known. One of them is the connection of the more important parks and pleasure-grounds by a generous driveway, so as to make them all essentially parts of one system. This has been ingeniously planned so as to include in the panorama woods, mountain streams, the Potomac River, with the hills beyond, the city's dock and shipping, several monumental structures, and possibly a section of the historic Chesapeake and Ohio Canal and a noble boulevard on the border of the District.

The Commission have given much thought also to the metamorphosis of that part of Rock Creek which winds through the western quarter of the city. In its passage through the National Park north of Washington, and thence through the Zoölogical Park—the latter already a charming specimen of Olmsted handiwork—it is picturesque and beautiful; but as soon as it crosses the city's boundary, its unkempt banks become an eyesore and its sluggish current a menace to health. The Commission are preparing to redeem it and bring it into the landscape as an ornamental feature.

A third object which they have considered carefully is the Mall. This was one of the finest things in L'Enfant's plan; a peaceful forest in the heart of a busy city, stretching from the Capitol to the river bank, nearly two miles away. But the fact that streets have been cut across it at intervals has furnished a pretext for treating each of the parcels separately. Thus the Washington National Monument grounds are laid out on one plan, and the Agricultural Department grounds on another; the Smithsonian Institution has a park of its own, the next three quadrangles have no treatment at all, and the Botanical Grounds are used simply as a place for planting a green-house. All this is patchy and undignified. What the Commission will aim to do is to restore the relations between all the parts as originally designed by L'Enfant, and to treat the entire Mall as a unit. This will admit of long vistas from the Capitol to the Monument, and from the Monument, pursuing the same direction for almost the same distance, to the river, thus affording an opportunity for an imposing water-gate as the western terminus of the system.

A bit of landscape which will receive special attention is the slope from the White House to the Potomac. A park treatment for this land, with the river brought into the background, and such a disposal of the Monument grounds as will permit of grouping there, artistic memorials of a few of the nation's great

heroes, statesmen, and benefactors, are included in the project. There will be great satisfaction over the statement that no countenance will be lent to any proposal for radical changes in the White House itself.

All this preparation, made under auspices so admirable, encourages a hope that at last a serious movement for perfecting the capital city is under way. It has gone so far that the Commission now know what points will need further illumination before they give final shape to their report; and to this end they have just gone abroad, not to make any extended tour, but to visit certain places where other experts have solved problems similar to some of those which are still confronting them. Nevertheless, the cleverest reconnaissance is not an accomplished campaign, and, after the Commission have made a report satisfactory to the Senate, the House of Representatives must still be reckoned with. In view of this, it is fortunate that in all the work they have sketched they have kept economy in mind, never sacrificing an important demand to a close-strung purse, yet, where variant methods of equal excellence are possible, always choosing the least expensive.

Another fact which can hardly be ignored by Congress is the confidence which the Commission have commanded from the very outset among officers of the Government generally. The Supervising Architect of the Treasury, who is to design the new Department of Agriculture, has volunteered his coöperation, so as to make the position and character of that edifice harmonize with their plan. The Secretary of War has called them into consultation, in like manner, with regard to both the Grant Memorial and the additional building at the Soldiers' Home, for which Congress has made him responsible. Secretary Gage and Professor Stratton, who are to build headquarters for the new Standardizing Bureau in the neighborhood of the National Park, have sought their assistance. The same flattering welcome proceeds from all sides. It is a spontaneous tribute to the wisdom of inviting artists to pass judgment on art questions, and of treating the American taxpayer now and then to the novelty of a work of national importance conducted for the public benefit alone, and with nothing "in it" for any of the professional politicians.

THE LAW'S DELAY.

The disagreement of the jury in the Kennedy murder trial is on many accounts unfortunate. It amounts to very much the same as the Scotch verdict, "Not proven." The tendency of such occurrences is, of course, to impair public confidence in our system of administering justice. After three attempts, entailing great expense on the

community, not only in money, but also in the time of the court, the matter stands just where it did three years ago. The expense to the prisoner, who has had to withstand the whole force of organized society, must have been ruinous, and he still remains liable to be put in jeopardy of his life. We cannot deny that the evidence was very conflicting, or that the impression prevails that perjury was committed by some of the witnesses for each side. Hence it is hardly proper to maintain that in this case there was a peculiarly aggravated failure of justice; but there has certainly been such delay as to cause grave dissatisfaction.

The Molineux case is another example of the same evil, and several other cases are notorious. The United States Supreme Court has lately granted a further lease of life to Nordstrom, the crime for which he was sentenced having been committed in the State of Washington eight or nine years ago. The case of Mrs. Botkin, convicted more than two years ago of murder by means of poisoned candy sent through the mail, has been postponed indefinitely, and she will probably escape. However criminologists and jurists may differ on other points, they agree with the mass of mankind that certainty and swiftness are essential if punishment is to be effective. Experience proves that after a certain amount of time has passed, it is almost impossible to hang the most depraved murderer. The stars in their courses fight for him. Public interest in his crime has languished, and prosecuting officers miss its stimulus. Witnesses have died or forgotten or become indifferent; and at last the criminal escapes simply because the world has lapsed into a hazy indifference concerning his guilt, and would even regard his execution with disapproval—sympathy with the living murderer displacing the original sympathy with his victim.

Those having to do with criminals tell us, what we should expect to be the case, that the existence of these possibilities of delay enters into their calculations. Penal statistics thus lose much of their deterrent effect. What is worse, the community is apt to calculate in the same way. The prevalence of lynching in several of our States is confessedly due to the maladministration of justice. The mob, in any community, would kill a murderer caught red-handed, were it not restrained by the sober element; but when the sober element believes that the murderer will escape justice if he is legally tried, it will not interpose in his behalf. Conservative men have been heard to reason that a criminal trial, as now commonly conducted, will involve the country in an expense which the taxpayers can ill bear, and that in the end the criminal will very likely escape. It is better, they think, to let the mob inflict the natural penalty of

murder while it will be effective, rather than to pay a high price for legal proceedings which are futile and demoralizing. The argument may be fallacious, but it is plausible.

The people of New York are justified in complaining of the administration of justice here, because there are communities where such delays do not prevail. The recent Bosschietter case in New Jersey was conducted in such a way as to make every citizen feel respect for the law and admiration for its prompt and effective application. A competent jury was empanelled with business-like expedition, and the whole trial was over within less time than a New York court would have spent in filling the jury-box. In Massachusetts it would be thought strange, if not scandalous, were it to take a day to obtain a jury, even in the most important cases. In England there are no such delays as we are familiar with here. It seems a proper inference that methods which succeed in communities essentially like our own would succeed if we adopted them. In a sense the public is responsible, in that it chooses legislators incompetent to deal with any matters not affecting their personal or party advantage; but a peculiar responsibility belongs to the legal profession. Society depends on its members as on its physicians; and duty to society requires them to make a combined effort to improve the condition of its criminal law.

In addition to a reform in our methods of obtaining juries, the time seems opportune for regulating the subject of expert evidence. Perhaps it would be extravagant to say that if it were excluded altogether, justice would not the more frequently miscarry; but it obviously requires stringent limitation. We do not hesitate to say that when the similarity of writings is an issue, the judgment of the ordinary jurymen is often clearer without the testimony of experts than with it. He cannot accept the opinion of one expert as authoritative, for there is another to contradict him; he cannot qualify himself as an expert by listening to them; and in the end he has to fall back on his own judgment, or else give up the problems in disgust. If juries do not find evidence sufficient to hang a man without relying on the testimony of experts concerning his handwriting, they are not nowadays likely to hang him at all.

The large question of appeals in criminal cases, and especially of appeals on minor technicalities, we cannot now consider. Probably few men acquainted with the subject would maintain that the rights of innocent men are endangered by the English practice, where no appeals from the judgment of the trial court are allowed. With the legal advantages enjoyed by the prisoner, as an inheritance from past struggles with arbitrary power, he would be still amply